

MEETING MINUTES CITY OF MILPITAS

Minutes of: Joint Meeting of Milpitas City Council and
Milpitas Housing Authority
Date: Tuesday, May 7, 2019
Time: 5:30 PM Closed Session
7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas, CA

CALL TO ORDER Mayor Tran called the joint meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez and Councilmember Nuñez

ABSENT: Councilmembers Montano and Phan were absent at roll call. Both arrived in Closed Session.

CLOSED SESSION City Council went into Closed Session to discuss four matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:00 PM.

ANNOUNCEMENT City Attorney Chris Diaz stated there was nothing to report out of Closed Session.

PLEDGE The pledge of allegiance was led by Boy Scouts from Troop No. 92.

INVOCATION Vice Mayor Dominguez invited Rev. Jethroe Moore to offer a prayer to start the meeting.

PRESENTATION Mayor Tran presented the following, alongside City Councilmembers:

- Proclaimed *National Public Works Week* for May 19 – 25, 2019, accepted by Public Works Director Tony Ndah and several employees of the department.
- Proclaimed May 2019 as *Affordable Housing & Building Safety Month*, accepted by Sharon Goei and staff from the Building, Housing and Code Enforcement units.
- Proclaimed May 2019 as *Older Americans Month*, accepted by several members of the Milpitas Senior Advisory Commission, including Chairman Denny Weisgerber.

PUBLIC FORUM Galen Boggs, from US Representative Ro Khanna's office, invited all to the Congressman's May Town Hall event in Santa Clara on Saturday, May 11 from 1:30-3:00 PM. On June 7, there would be a Milpitas Town Hall.

Yolie Garcia, resident and MCE Board member, helped Milpitas High School theatre students, who were invited to the Fringe Festival in Edinburgh, Scotland. Students were fundraising, and Council was invited to a Friday dinner event to seek donations for the students' trip.

Robert Aguirre, lived in San Jose, spoke for houseless people in Santa Clara County. He noted the amount of houseless people in the area and asked Council to do all it could to move people off the streets, and urged more affordable housing for all.

John Agg, Milpitas resident and Chair of the Arts Commission, spoke of the eight students from Milpitas High School who would go to the theatre festival in Scotland. He urged Councilmembers to attend the spaghetti dinner fundraiser on Friday night.

Frank DeSmidt, Milpitas Rotary Club, also encouraged Council to go to the fundraiser dinner. The Milpitas Rotary Club wanted to support the dinner for students on May 10.

Steve Siddell, resident, noted Los Coches road and its appearance, which was much improved since last year so he thanked Council and staff for the work done. He thanked the Milpitas Police Officers and all they did for the community.

Joseph Weinstein, Hamilton Ave. resident, thanked City Council for their service to the City.

Maureen Cruzen of Verizon Wireless gave a brief presentation about the company's "small cell program" for expansion of cellular phone technology throughout Milpitas. This was to meet consumer demand in the marketplace.

Councilmember Nuñez asked about the status of the process and inquired about AT&T. City Manager Julie Edmonds-Mares replied that staff could respond with an information memo on this topic regarding all companies seeking to place cellular technology in the City.

Voltaire Montemayor, resident, was at Big Al's the prior day when it opened. He supported sports and spoke about funds, and city plans that were yet unfunded regarding parks.

Emmanuel Manalang, resident and retired veteran, noted everything is not perfect. He thanked City Council for the good job they were doing.

Rob Means, 1421 Yellowstone resident, addressed the Council regarding Sierra Club magazine, global warming and the climate crisis.

ANNOUNCEMENTS

City Manager Edmonds-Mares invited all to Breakfast with Public Safety on Saturday, May 11 at 9:00 a.m. at the parking lot of the Milpitas Police Department on N. Milpitas Blvd.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions.

Mr. Diaz said that Councilmember Nuñez would recuse himself from voting on agenda item no. 14 (fee waiver request from the Nuñez Community Foundation).

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Mayor Tran requested the Councilmembers to express any requests regarding consent items.

Councilmember Nuñez asked to remove item no. 11 (National Night Out) and stated he would not vote on no. 14 (fee waiver request).

Councilmember Montano asked to remove items no. 8 (1700 Sango Court), no. 9 (reimbursement of expenditures) and no. 14 (fee waiver request).

Motion: to approve the consent calendar including agenda items numbered 1 – 15, excluding those numbered 8, 9, 11 and 14

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

Mayor Tran wanted to move item no. 16 (report from VTA staff) to the very front of discussion items and move item no. 21 (rent control) to be heard after that (second), then item no. 20 (third).

Councilmember Phan requested the Council to hear no. 17 before no. 21. Mayor Tran responded that no. 17 could be heard after no. 20.

- * 1. Council Calendars Accepted City Council calendar for May 2019.
- * 2. Meeting Minutes Approved City Council meeting minutes of April 16, 2019.
- * 3. Adopt Ordinance No. 38.833 Waived the second reading and adopted Ordinance No. 38.833 for regulation of accessory dwelling units.
- * 4. Adopt 2 Resolutions – LLMD No. 95-1 Adopted Resolution No. 8865 approving the Annual Engineer’s Report, and adopted Resolution No. 8866 declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 McCarthy Ranch, and provided Notice of a Public Hearing to be held on May 21, 2019.
- * 5. Adopt 2 Resolutions – LLMD No. 98-1 Adopted Resolution No. 8867 approving the Annual Engineer’s Report, and adopted Resolution No. 8868 declaring its intention to levy and collect assessments for Fiscal Year 2019-20 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 Sinclair Horizons, and provided Notice of a Public Hearing to be held on May 21, 2019.
- * 6. Adopt Resolution Adopted Resolution No. 8869 awarding a construction contract to and authorizing the City Manager to execute it with St. Francis Electric, LLC in the amount of \$595,100 for the McCarthy/Sandisk Traffic Signal Project No. 4292, and authorized the Engineering Director/ City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$89,500 for the project.
- * 7. Adopt Resolution Adopted Resolution No. 8870 requesting allocation of Transportation Development Act (TDA), Article 3 Funding for the City’s Americans with Disabilities Act (ADA) Curb Ramp Transition Program, and appropriated the funding received into Project No. 4283.
- 8. Adopt Resolution The City Manager stated the 1700 Sango Ct. land would be directly across the street from 355 Sango Ct. (project voted on earlier). The city looked forward to future park plans for the land once acquired, in the TASP area.

Motion: to adopt Resolution No. 8871 authorizing the City Manager to execute a Purchase and Sale Agreement and all related closing documents for property at 1700 Sango Court (APN 086-36-012) within the Transit Area Specific Plan (TASP) area to accommodate expansion of Augustus Rathbone Park and approved a budget amendment

Motion/Second: Councilmember Phan/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0
- 9. Adopt Resolution Councilmember Montano asked staff to explain why this action was requested. Finance Consultant Jim Steele responded about rate plans for public noticing on water and sewer capital improvement services, and needing to fund bonds for those system improvements.

Motion: to adopt Resolution No. 8872 authorizing reimbursement of certain water and wastewater capital improvement expenditures from the proceeds of future indebtedness

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

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| *10. Agreement for Police Canine Training | Approved the 5-Year Professional Services Agreement with Precision K9 for Milpitas Police Department canine training in the amount not to exceed \$195,000. |
| 11. National Night Out on First Tuesdays in August | This item was removed from consent but not heard. |
| *12. Agreement for On-call Environmental Services | Approved and authorized the City Manager to execute Master Professional Service Agreements with the selected consulting firms to provide on-call environmental consulting services for the Milpitas Planning Department. |
| *13. Donation Request | Approved a \$500 donation to Milpitas Historical Society to defray costs of a touring bus for historical tour of Milpitas on June 22, 2019. |
| 14. Fee Waiver Request | This item was removed from consent but not heard. |
| *15. Support Legislation | Authorized the City Manager to submit letters of support to state legislators for Assembly Bill 1235 - Youth Homelessness Prevention Centers; Assembly Bill 291 - Local Emergency Preparedness and Hazard Mitigation Fund; Assembly Bill 344 – New Beginnings California Program; Assembly Bill 916 - Suicide prevention; Assembly Bill 688 - Firearms: vehicle storage; Senate Bill 438 - Emergency Medical Services: Dispatch; Senate Bill 531 - Local Agencies: Retailers. Received update on Senate Bill 50 - Planning and Zoning: Housing Development: Incentives. |

COMMUNITY DEVELOPMENT

- 16. Presentation by Santa Clara Valley Transportation Authority**
- Per a prior request from Councilmember Carmen Montano, Transportation Engineer Steve Chan said the Council would receive an oral presentation from Santa Clara Valley Transportation Authority (VTA) staff Berniz Alaniz on the Bay Area Rapid Transit (BART) Extension and Montague Expressway Pedestrian Overcrossing projects.
- Ms. Alaniz presented current information to the City Council, including a powerpoint presentation with maps and current plans for the BART station, connections with VTA buses, parking and other topics.
- Councilmember Montano asked about the art for the Milpitas BART station. She wished to know what was planned based on past Council direction to include Milpitas history at the site.
- Councilmember Nuñez felt the VTA was doing a great job bringing BART and other services. He wanted to know if there was agreement about shared use of the parking structure with the neighborhood around the BART station. Ms. Alaniz said it would be available to anyone who'd like to use it and park for a fee. Mr. Nuñez asked about the bid put in for police services at the station, while VTA staff was not certain when that would be awarded.
- Councilmember Montano asked when would the Milpitas BART station be open, and Ms. Alaniz responded hopefully in late 2019 - by the end of the year.
- No vote was taken and Mayor Tran thanked VTA staff for her presentation and information provided.
- Councilmember Montano wanted to know when she could learn the date when a contract would be awarded for public safety, so she could bring some residents to ask the SCVTA Board to hire Milpitas Police Department. The City Manager said staff could find out that information, and respond back to the Council.
- Mayor Tran invited members of the audience to comment next.
- Robert Aguirre, resident, asked if handicap parking would be free, as in the rest of the City.

Paul Tecada, stating he represented his co-renters on East Calaveras Blvd. and wanted to address the next item (on housing).

A resident spoke on the sanitation and cleanliness at BART stations and hoped that would be a top priority for the management of the new station in Milpitas.

17. HOUSING

AUTHORITY- funding for 355 Sango Court development

Building & Housing Director Sharon Goei provided a background report on the action requested, related to an affordable housing project in the city. She described work staff had done with the County on Measure A funding for this project at 355 Sango Court.

Planning Director Ned Thomas described the entitlement features for 355 Sango Court, including the approved “Density Bonus” and the approved site development permit for 102 affordable housing units at this location.

Ms. Goei reviewed costs and the funding formula for the project, including land acquisition by the developer. The loan request at this meeting was to help in the construction phase. She reviewed Housing Authority assets.

Mayor Tran asked for public comments.

Huascar Castro of Silicon Valley at Home spoke in support of the funding for the much needed affordable housing to be built at 355 Sango Court. He asked City Council for a positive vote.

Ms. Brown from Resources for Community Development (RCD) thanked Council for consideration and support for this project. RCD was looking forward to moving forward on it.

Allysson McDonald, resident, urged a vote in favor of this loan to bring affordable housing and to leverage funds for the developer to build the project.

Voltaire Montemayor, resident, said they need a running start so help them.

Tom Valore, resident, said this seemed like a “no brainer.” He urged Council to get behind actions of this nature with a need to help the most vulnerable of the community.

Robert Mize, a Milpitas pastor, asked for support for this item.

Councilmember Nuñez inquired as to the amount of the state’s loan for this project.

RCD’s Ms. Brown described funding from the state and the county, along with this loan. Mr. Nuñez asked her if the state money (\$10 million) was almost assured, and she replied no. If not successful in this round, then the developer would apply again.

Mayor Tran felt the key was finding the funding on the project with a total close to \$84 million.

Councilmember Phan asked how much was in the current Housing Authority fund and Ms. Goei responded: \$7.5 million total. Mr. Phan asked if there were other applicants asking for money for affordable housing, and staff replied \$125,000 requested by one developer.

The City Manager asked County staff to come to the podium to address the competitive funds available for affordable housing from Measure A funds.

Councilmember Phan asked County staff what the amount was that came from City taxpayers. It was a parcel tax so she could find out that information. He wanted the agreement to include if there were any “leftover” funds, that those would be released back equally to all government partners. How this occurred was explained by RCD staff.

Councilmember Montano asked if there would be a learning center/homework club included with the project when built. There would be robust social services and other programming planned on that site.

City Manager Edmonds-Mares noted that 40 veterans or formerly homeless people from Milpitas would be housed there, based on past Council direction.

The City Council, acting as the Board of the Milpitas Housing Authority, took action next.

Motion: to adopt Housing Authority Resolution No. HA 28 authorizing the development loan to Sango Court LP in the amount of \$6.5 million; and, to approve a budget appropriation of \$6.5 million from the Housing Authority Fund reserve into the Fiscal Year 2018-19 non-departmental operating budget

Motion/Second:

Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

COMMUNITY SERVICES

18. Design and Funding for
Fire Station 2 Replacement

This item was not heard.

LEADERSHIP

19. Appointment to Planning
Commission

This item was not heard.

20. Council Rules
Subcommittee

This item was not heard.

REPORT

21. Consideration of Direction
to Council on Rent Control
and Just Cause Eviction

Housing Authority Administrator Robert Musallam provided a background report on why the Council was discussing this topic of potential new ordinances for tenant protections, including past receipt of the report from the Citizens Task Force on Housing Protections.

Vice Mayor Dominguez felt this was the time for a vote on urgency ordinances, while some of her colleagues had time in the past to discuss this topic. It was the time for action to do something to address the housing crisis. She called her program “rent stabilization” and it was to fulfill her commitment on challenging conversations. Move this forward, she asked. She wanted to vote on ordinances for rent control and just cause eviction (JCE).

Councilmember Nuñez wanted to say what the Council was going to do, to finish the conversation, after he listened to all the comments from the community who had come to the meeting. Milpitas was not unique on these housing issues in the city, he stated.

A large number of people were in the audience, and Mayor Tran invited speakers to the podium to address the City Council, limited to one minute each.

Speakers:

Huascar Castro, staff of Silicon Valley at Home, noted the real need for policies to protect tenants. He read his comments for the record.

Yolie Garcia, resident, was in support of emergency ordinances for just cause eviction and rent control for residents.

Allysson McDonald, resident, said the Board of Sunnyhills Neighborhood Association voted to endorse emergency ordinances to support tenants in Milpitas. She urged adoption of ordinances.

Huy Tran, resident of San Jose and on the Housing Commission in that city, said there were two sides to the issue of housing. There's need to build more housing and keep people in their homes.

Eddie Truong, Director of Government Relations for Silicon Valley Organization in San Jose, spoke in strong opposition to rent control and other limitations on rent and housing opportunity.

Anil Barbar, of the California Apartments Association and member of the Housing Task Force, said rent control reduces the supply of affordable rental housing units. Owners take units off the market and could convert to condominiums.

Rob Means, resident, poked fun at the approach of keeping things as they are, with no change. He told Council the city needed both of the urgency ordinances.

Tiffany spoke in solidarity with renters in the City. Many people were moving out to the Central Valley to afford a place to live. She supported a rental registry.

Arturo, spoke in Spanish to City Council, and mentioned rising rents and wanted a solution from the City Council.

John Maranthall, worked with Affordable Housing Network, knew that housing was an extreme issue. Do right for Milpitas.

Naseem, member of a County Council, thanked the City Council for actions on support to renters in Milpitas, because housing was essential. Vote yes on rent control and JCE.

Robert Aguirre, of San Jose, supported tenant protections for those in need in the City, including elderly residents. The city did not need more homeless people.

Michael, resident of Milpitas, commented on homelessness as a societal problem. It had a very long term impact.

A man from Silicon Valley Rising urged support for voting on both urgency ordinances, as tenants should not face eviction.

William Au, resident of Sunnyhills Apartments, wanted to have rent control as soon as possible.

Michael, staff attorney at Law Foundation of Silicon Valley, represented tenants at other cities where rent control and JCE laws were implemented. It was good for Milpitas to join other communities with these needed protections.

Joseph Weinstein, represented four generations of housing providers and clients, spoke of two elderly tenants in some buildings. Other costs go up, like water rates, and repair costs for building owners that were not covered under the ordinance.

Rosario, spoke in Spanish to the Council, said her landlord raised her rent by \$400 recently with no warning. She did not have enough income to cover the dramatic increase. She asked for help to keep from being evicted, for her family and other residents.

Chris Tallen, of San Jose, where he lived in a rent controlled apartment, and spoke of profit and ethics. Profit was a luxury and was not essential.

Milt Krantz, San Jose resident, spoke in favor of JCE and a rent cap.

Heidi Wolf-Reed, long time resident, was a housing advocate and felt the City would be going backwards if these ordinances were approved. There is need for more housing overall.

Steve Sidell, a 73 year old resident, was once a renter in San Francisco years ago. He supported certain just causes, and did not agree with putting people out just to raise rent. He wanted Council to allow people to rent out rooms.

A Milpitas resident spoke about data on Milpitas, and few calls received by city about evictions and complaints of rent increases. He did not support urgency ordinances.

A Milpitas resident was raised in a low income family, he used to be a renter, while the root cause was insufficient housing. So more housing was needed to solve the problem.

Jim, a 20 year resident and homeowner, did not believe JCE and rent control was the solution to housing in Milpitas. More building was the answer. Don't limit landlord rights.

Victor San Vicente, resident, said he represented a client who had rental property in Milpitas and spoke of the man's retirement income.

Fayu, Milpitas resident and a landlord, was opposed to JCE and rent control. She urged City Council to study what other cities had done, and the financial impact to these proposals. Voters opposed and voted down Proposition 10 last fall.

David, from the South Bay Labor Council, asked for support of all tenants by approving JCE and rent control proposals. Keep this a safe and open place to live for all and support renters.

A Milpitas resident who worked in Palo Alto said he lived here since he could not afford Palo Alto. He felt the solution was more housing.

Mina Young, Milpitas owners group, said they all used to be renters and now were landlords. Rent control kills housing.

A man, who was a researcher, supported the proposed ordinances and spoke of regional and state level actions on housing issues. Reasonable regulations were needed.

Hien La, 15 year resident and tenant at Sunnyhills Apartments, noted most tenants were working class, seniors, living check to check. They needed justice for all.

A man, homeowner in Milpitas, spoke about his analysis to consider renting out his property. These ordinances could make it too costly to do so.

A woman said rent control and unfair JCE would cause rental unit owners to remove units from the rental market.

Wendy Wong, from San Francisco, spoke of the "horror story" of rent control that was spreading like cancer, with limiting the supply of rental housing. Rent control did not work.

A woman spoke on behalf of her 86 year old mother, who lived on low income from Social Security. She rented one unit, for \$800 below market. Protect small landlords, she asked.

Voltaire Montemayor, resident, said it was a hard decision, with extremes - meet in the middle.

Mr. Ma, a small housing provider, referred to the housing crisis. There were failed policies of rent control and JCE. Fremont had a policy of a housing panel to hear complaints about rent increases, and only one case came forward to date.

A Fremont man felt the two proposed policies would make the housing market even worse.

A woman resident remarked on speakers from San Jose, while this was City of Milpitas. Don't mimic those policies and wanted the focus on Milpitas.

Ken, 10 year resident of Milpitas, was not in favor of rent control as a policy. There was no emergency. On Proposition 10, Milpitas residents were not in favor of that.

A woman resident said she was against JCE. Landlords should have the right to determine how to manage property. Landlords needed rights too. Rent control was hurting the marketplace.

A woman Milpitas homeowner was against rent control. She was a landlord and if rent control did go in, she could remove the house from the market.

George, a landlord in Milpitas, spoke of difficult, bad tenants. With JCE, he could not let go of tough renters so he was opposed to that policy.

A woman spoke in Spanish to the Council, saying that if landlords provided tenants rights, they would not be present at this meeting. She wanted protections for families and did not want folks living in cars and motels.

Sandy Perry, of the Affordable Housing Network, spoke of a meeting at the County. When housing one homeless person, three more people were found homeless. The item this evening was protection, which he supported.

Vanessa, who lived in apartments on Calaveras, said the landlord was raising the rent and would give just three days to move out.

A man resident and registered voter in Milpitas was concerned about homeless students and families in the city. Tenants had no rights, with no laws to back them up. He spoke of the Costa-Hawkins law and single family houses were exempt from rent control.

A young mother liked living in Milpitas, as a good place for her children. She asked for support and vote in favor of JCE and rent control.

Sharlene, represented 400 housing units as the manager for Essex including Apex Apartments properties in Milpitas, said economics show that these ordinances do not work. No research supported it and would have limited short term impact on tenants. She asked the Council to fight hard for housing as well as jobs.

Mr. Lu, lived in Milpitas since 1993, said it was a nice place to live. He was a homeowner and a house provider. He did not believe rent control was going to work, as a landlord.

Mr. Sharma, a 10 year resident of Milpitas, was opposed to JCE and rent control, since it did not work and was bad for tenants and landlords.

Tiffany, lived here since 2008, said folks did not need rental control in the City. This was a demand and supply issue.

William Tam, a landlord in Milpitas for more than 20 years, rented out units more than 20% below market. He would raise it to market price if rent control was implemented or sell.

A man who lived in Milpitas for 18 years, felt this was a great community to raise his kids. He could rent out his kids' rooms in the rental market. Vote no on JCE and rent control.

Ling Kong, lived in Milpitas and grew up in a City that had rent control for 40 years, where rent control did not work. It had not worked in San Francisco nor San Jose. Doing something right in Milpitas with homeownership at nearly 70% of residents.

Sandy had a house that she rented out in Milpitas. JCE and rent control did not work. Those would bring more problems and would be unfair to landlords.

A man, who spoke in Mandarin Chinese language to Council, thanked the Vice Mayor for bringing the proposal to the Council but direction provided was wrong, he believed. JCE was not because of the landlord since issues were with tenants, not the responsible landlords.

Evan, a landlord and former renter in Milpitas, wanted to know if renters had complained about the level cost of rent. He quoted a KQED recent story. Landlord needed to pay the mortgage no matter what protections were granted to tenants.

A man from San Jose was in favor of the proposed tenant protections. There was a need for proposals to protect current affordable units. He urged a rent cap for human rights.

Vicky Young, 26 years resident of Milpitas, noted that Milpitas residents voted against Proposition 10 last November. Landlords were working hard too, just like renters as noted. Do more study as she opposed JCE and rent control.

A man, 30 year resident of Milpitas, did not feel JCE would work.

A woman, speaking in Spanish to the City Council, spoke on behalf of children becoming homeless due to rising rents and lack of affordable housing. Her daughter asked for a vote in favor of rent control to be fair to families and children.

Tom Valore, resident, addressed the overall problem of the need for affordable housing, stating that people needed to come to a resolution to the problem together. Do research and come up with solutions on how citizens deal with it.

The public comments section of the meeting concluded at 10:00 PM.

Mayor Tran supported rent control in Milpitas. It only applied to units built before 1995, and would not impact rental of single family homes, per state law. There would be some costs to the city in order to enforce a law on rent control. Government intervention was okay for tenant protections that he supported.

Councilmember Nuñez felt it was brave of the Vice Mayor to sign on to both memos she prepared to the Council. He asked the City Manager what actions the Council could take. The City Attorney stated the agenda recommendation was to seek direction from Council to the staff on what ordinance to bring back for adoption.

Mr. Nuñez said City Council needed to help and assist those who really needed it. He asked how many rental units there were in the City. He referred to non-binding arbitration in Fremont, and mediation, as possible ideas. A process needed to be Council-led, not staff-led. Just Cause does not do enough, he felt. Lots of “natural” partners he believed City would work with. Look at a living wage ordinance in the city. Allow renters to be offered at least a one year lease, allow only one increase in that time, and have non-binding arbitration to help both sides work things out. Have all of that go on to the Housing Commission, and have two City Councilmembers make all that work. He wanted to bring it back to Council within 60 days.

Mayor Tran told the tale of where he first lived when his family moved to Milpitas, to an apartment on Dempsey Road when he was in the fourth grade.

Councilmember Montano thanked all the speakers for coming to the meeting and giving their opinions. The Council had various opinions, like the public speakers, including the previously recommended Housing Commission, and subsidies to families for helping with utilities. She suggested an “emergency” fund to help those needing money for moving. Council just voted to approve Accessory Dwelling Units (regulation by ordinance). 15% of all new developments must be for affordable units. More housing was the solution.

Ms. Montano supported the City of Fremont concept of non-binding arbitration. She wanted revenue from Air B’n’B units to go into the Housing Authority (as her proposal). She also referred to the statewide CASA compact for housing.

Vice Mayor Dominguez had received a lot of phone calls from residents on this issue. She then responded to some speakers’ comments and Councilmembers. She wanted to move this topic forward in order to provide needed protections in the ordinances that she had drafted along with

two memos to Council. She reported on what she had found out about rental apartments in Milpitas, when she recently walked door to door to more than 100 units. She asked City staff for figures on how many housing units there were in the City and when built.

Building Director Goei said the number of buildings built before 1995 was approximately 200 with 2,500 rental units. The Vice Mayor asked staff why it would compare to Mountain View and staff responded it was a city comparable in size in Silicon Valley. She commented on lower cost of enforcement for Milpitas versus Mountain View.

Vice Mayor Dominguez asked why ordinances for adoption were not on the agenda, as she asked. The City Manager responded that staff had followed what Councilmembers specifically had requested from the podium at the last Council meeting.

Councilmember Phan thanked all the speakers. The inventory for rent-controlled units was small, and his family had searched for those in the past and he'd lived in Section 8 housing. He wanted to give people resources to be able to stand up and support their families. The argument centered on the "urgency" aspect of the suggested ordinances. There were too many ways to manipulate the intent of rent control, by all parties. Owners could respond by demolishing apartments to then build condominiums, and would displace even more people.

Mr. Phan said that rent control did not affect supply and hindered growth. He would support establishing an emergency relief fund for residents who were going to be evicted urgently, and for the City to help find housing in the City. Be pro-active with different agencies and partners.

Mayor Tran wanted to support the urgency ordinance on rent control and called for a motion.

Councilmember Montano noted the City was building, along with County support, affordable units on Sango Court. She would like to create a list of people seeking affordable housing, to have ready, when this project was ready. She stated she was not in favor of Just Cause Eviction, due to the requirement on landlords to pay tenants to move out.

Vice Mayor Dominguez stated that she was not in favor of special interests.

Next, the Mayor called for a motion and a vote on both proposals.

(1) Motion: to direct staff on the request to prepare and bring back to City Council an Urgency Ordinance related to rent control for tenant protection

Motion/Second: Vice Mayor Dominguez/Mayor Tran

Motion failed on a vote of: AYES: 2 (Dominguez, Tran)
NOES: 3

(2) Motion: to direct staff on the request to prepare and bring back to City Council an Urgency Ordinance related to Just Cause Eviction for tenant protection

Motion/Second: Vice Mayor Dominguez/Mayor Tran

Motion failed on a vote of: AYES: 2 (Dominguez, Tran)
NOES: 3

Councilmember Nuñez still believed the Council could implement something on both topics, and in a shorter amount of time than five or six months. He wanted a Housing Commission or Council Subcommittee to meet right away, look at what was presented at this meeting and what the community suggested, and bring back to the full Council at the first meeting in June.

City Attorney Diaz said there could be direction to staff this evening on his idea.

(3) Motion: to appoint a new Council Subcommittee on Housing and appoint Councilmembers Montano and Nuñez to serve on it, to consider what was discussed at this meeting including from the community, and to bring it back to the full City Council in June

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 1 (Dominguez)

NEXT AGENDA

22. Preview next agenda Received the list of agenda items for the May 21, 2019 regular City Council meeting.

ADJOURNMENT Mayor Tran adjourned the joint meeting at 12:12 AM on Wednesday, May 8, 2019.

The foregoing minutes were approved by Milpitas City Council on May 21, 2019.

Mary Lavelle
Milpitas City Clerk